

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 4, 6, 13, and 53 were previously cancelled without prejudice. Claim 54 has been amended. Claims 1-3, 5, 7-12, 14-52, and 54-68 are now pending in this application.

Claim Objection

On page 2 of the Office Action, claim 54 was objected to because it depended from canceled claim 53. Applicant has amended claim 54 to depend from claim 1. Applicant thanks the Examiner for noting this error and respectfully requests withdrawal of the objection.

Rejection under 35 U.S.C. § 102

On page 3 of the Office Action, claims 1-3, 5, 7-12, and 14-67 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0049646 (Wilkinson). Applicant respectfully traverses the rejection. Wilkinson does not disclose, teach, or suggest the claimed invention as recited in claims 1-3, 5, 7-12, 14-52, and 54-67. Applicant also respectfully reserves the right to swear behind Wilkinson as a prior art reference.

Claim 1 recites:

providing a screen display indicating an affiliation with a referring party;

Claim 56 recites:

means for providing a screen display indicating an affiliation with a referring party;

Claim 57 recites:

provide a screen display indicating an affiliation with a referring party;

On page 3 of the Office Action, the Examiner states:

Wilkinson discloses a system and method comprising:

Providing a screen display indicating an affiliation with a referring party
(paragraphs [8, 21-22, 50, 57])

Applicant respectfully disagrees. None of paragraphs 8, 21-22, 50, and 57 cited by the Examiner mentions "a screen display indicating an affiliation with a referring party" as required by claims 1, 56, and 57.

Paragraph [0008] of Wilkinson, with emphasis added through underlining and bolding, states:

The method comprises the steps of collecting data from a plurality of members comprising at least two suppliers, at least two demanders, or a combination thereof, and entering the data for each member into a database in association with one or more confidential codes and, optionally, an identification of an initial referring party who first referred each member to the service provider. Then, the method comprises facilitating a search of the database by or on behalf of a searcher who is one of the members, to identify by confidential code at least one other member meeting criteria entered by the searcher.

Paragraph [0021] of Wilkinson, with emphasis added through underlining, states:

The data record corresponding to each demander may further comprise a list of suppliers who have previously rejected that demander, and their reasons for doing so. The supplier information may also be designated using a confidential code.

Paragraph [0022] of Wilkinson, with emphasis added through underlining, states:

The members may have direct access to the database, such as through a computer network, or may request the service provider to perform the search.

Paragraph [0050] of Wilkinson, with emphasis added through underlining, states:

Initially, the service provides the supplier with someone to which to refer the demander, rather than leaving the demander with no place to go. The confidentiality feature of using a confidential code to refer to each supplier, protects the supplier's identity with respect to which financing requests or demanders it has already rejected and with respect to what types of financial requests it is seeking.

Paragraph [0057] of Wilkinson states:

The term "output" as described herein may be in any form of computer output known in the art, such as a printed output, an output saved to a file, and preferably may also be displayed on the screen of the searcher.

Entering an identification of a supplier who first referred each member into a database and listing or displaying of this identifier does not indicate an affiliation with the supplier. According to The American Heritage College Dictionary, Third Edition, the definition of "affiliate" is "to adopt or accept as a member, subordinate, or branch" or "to associate (oneself) as a member, subordinate, or employee" or "to assign the origin of" or "a person or organization associated with another as a subordinate, subsidiary, or member." Additionally, the specification of the

current application, on page 12, line 26-page 13, line 2 with emphasis added through underlining, discusses an affiliation as follows:

Association with a referring party can include providing screen displays which give a look and feel that furthers brand exposure of the referring party, a look and feel which comports with the brand image of the referring party in which an impression is created that the operations of transaction management and financial services system 100 are being performed by the referring party, or a look and feel which comports with the brand image of the referring party in which an impression is created that the operations of transaction management and financial services system 100 are being performed in affiliation with the referring party.

On page 14, lines 14-18, the specification of the current application further states:

Customization may include brand information associated with the referring party. As explained above, brand information may be used to indicate that operations offered in marketplace 201 are offered in affiliation with a referring party or, alternatively, that operations in marketplace 201 are being performed by a referring party.

As a result, identification of a supplier does not indicate an “affiliation” with the supplier.

The Examiner has effectively read the phrase “an affiliation with” out of claims 1, 56, and 57. Instead, the Examiner is interpreting claims 1, 56, and 57 to state: providing a screen display indicating a referring party. An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. Wilkinson fails to disclose, suggest, or teach, and in fact, teaches away from “providing a screen display indicating an affiliation with a referring party.” As noted in paragraphs [0008], [0021], and [0050] above, Wilkinson repeatedly describes use of a confidentiality code and a preference for “protect[ing] the supplier's identity with respect to which financing requests or demands it has already rejected” using the confidentiality code.

Claims 2, 3, 5, 7-12, 14-52, 54, 55, and 58-68 depend from claim 1, and thus, are allowable for at least the reasons outlined above relative to claim 1. Therefore, Applicant respectfully requests withdrawal of the rejection of claims 1-3, 5, 7-12, 14-52, and 54-68.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. § 1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

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